

REMARKS

The Examiner is thanked for the due consideration given the application. Claims 33-39, 51, 52, and 54-62 are pending in the application. No new matter is believed to be added to the application by this response.

The Official Action has restricted the claims of the present invention into the following groups:

Group I, claim 62, drawn to a system;

Group II, claims 33-38, drawn to a powdered material;

Group III, claims 40-42, drawn to a hydration liquid;

Group IV, claims 43-48, drawn to a ceramic material; and

Group V, claims 49, 51, 52 and 54-61, drawn to a method of producing a ceramic material.

Group II, claims 33-38, drawn to a powdered material, is elected with traverse.

As is set forth in MPEP 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent or distinct as claimed; **and**

(B) There would be a serious burden on the examiner if restriction is not required.

In this case the technologies of the system, the powdered material, the hydration liquid, the ceramic material and the method of producing thereof are so intimately interrelated that

no undue burden is placed upon the Examiner to examine all the groups on the merits.

As evidence thereof, it is noted that the Official Action has cited the prior art reference of WO 90/11066 to assert that Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT rule 13.2, they lack the same of corresponding special technical features, where "special technical features" is defined to mean those technical features that define a contribution over the prior art.

By this, the Office has already performed consideration and/or search based upon the prior art. There is thus clearly no additional undue burden to continue to examine the entire present invention on the merits.

Moreover, the Official Action has based this assertion of lack of unity on the observation that WO 90/11066 discloses a ceramic binder phase that is analogized to that of the present invention. Since the ceramic binder phase is considered as the common denominator or same feature of aspects according to the present invention, the invention has been deemed to lack unity.

However, the technical contribution over the prior art WO 90/11066 is not the binder phase, which is similar in both applications, but the monomer components making up the final organic phase (polymer). The monomers/polymer in combination with the binder are novel and not disclosed by WO 90/11066.

That is, WO 90/11066 discloses an organic component on page 7, second paragraph. The organic component is in the form of an optional reinforcing organic fiber. The organic fiber is not equivalent to the monomers of the present invention, and will not produce any of the advantageous effects set forth in the present application, such as improved elastic properties giving a more ductile material with reduced stress accumulation on loading, improved modellability (page 2, first paragraph), workability during compaction and viscoelasticity in the end product (page 6, lines 21-23), reduced temperature rise during curing (page 9, paragraph 3), increased flexural strength at maintained E-modulus (page 11, lines 3-5), enhanced translucency at maintained dimensional stability (page 11, last paragraph), etc.

WO 90/11066 also discloses a solid lubricant on page 11, paragraphs 2 and 3 (see also claim 3), which may take the form of a polymer. The use of the solid lubricant is stated to be optional. However, the polymer is only used when pre-compacting or forming the powder material. The polymer is then allowed to evaporate or is actively evaporated by heating. The polymer is used to ease the compacting or forming of a powder raw compact, and is removed before hydration. This polymer will thus only have an effect on the precursor powder before curing, and not on a slurry of the precursor powder and the hydration liquid or the curing of the precursor powder or the cured final product.

In WO 90/11066, there is no teaching or suggestion of a powder including any organic monomer reacting with a second organic monomer to form a polymer imparting the above-mentioned properties.

The common technical feature of the Groups I-V is not taught or suggested by WO 90/11066.

Groups II (powdered material) and III (hydration liquid) are both intermediate products that form constituents of the system or kit according to Group I, and are thus technically interrelated. The non-hydrated powder is formed from a hydraulic binder phase (a powder phase that reacts in contact with water, i.e. hydrates) and a first organic monomer that has the capacity to form a polymer when contacted with a second monomer. The hydration liquid is formed from the second monomer. When the non-hydrated powder and hydration liquid are contacted with each other, the powder hydrates and the monomers form the polymer. The inevitable product of these reactions is the final product according to Group IV (chemically bonded ceramic material). Thus, the non-hydrated powder, hydration liquid, and chemically bonded ceramic material are technically interrelated. Groups I, II, III, and IV are thus technically interrelated.

Group V relates to a method of producing the hydrated material according to Group IV. The method includes mixing the non-hydrated powder according to Group II and a hydration liquid according to Group III, each formed from first and second

monomers capable of forming a polymer together. This method inevitably generates the final product according to Group IV. Thus, the Groups II, III, IV and V are technically interrelated.

Accordingly, rejoinder and examination of all the claims on the merits is respectfully requested. Alternately, rejoinder upon indication of allowable subject matter is respectfully requested.

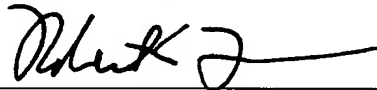
Conclusion

Early and favorable prosecution on the merits is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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